

Senate Bill 148

By: Senators Butler of the 55th, Miles of the 43rd, Fort of the 39th, Tate of the 38th, Henson of the 41st and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to motor vehicles and traffic, so as to require policies that prohibit law enforcement officers from impermissibly using race or ethnicity in determining whether to stop a motorist; to require annual training of law enforcement officers on impermissible uses of race and ethnicity in stopping vehicles; to require law enforcement officers to document the race, ethnicity, and gender of a motorist and passengers; to provide for other matters relative thereto; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to motor vehicles and traffic, is amended by inserting at the end thereof a new Code Section 40-1-8 to read as follows:

"40-1-8.

Law enforcement officers shall not use a person's race or ethnicity to form probable cause or reasonable suspicion to stop a vehicle but may use a person's race or ethnicity to confirm a previously obtained description of a suspect.

(1) Each state and local law enforcement agency shall adopt a policy and implement an annual training program regarding racial profiling that provides and instructs that a law enforcement officer shall not use a person's race or ethnicity to form probable cause or reasonable suspicion to stop a vehicle but may use a person's race or ethnicity to confirm a previously obtained description of a suspect.

(2) Each time a state or local law enforcement officer stops a motor vehicle, that officer shall document the following information in a public record whose format shall be determined by the Department of Motor Vehicle Safety:

(A) The gender, race, and ethnicity of the driver;

(B) The alleged violation that led to the stop;

1 (C) Whether the vehicle, personal effects, driver, or any passenger was searched and,
2 if any passenger or his or her effects are searched, the passenger's gender, race, and
3 ethnicity;

4 (D) Whether a search was conducted pursuant to consent, probable cause, or
5 reasonable suspicion to suspect a crime, including the approximate duration of the
6 search and the basis for the request for consent or the circumstances establishing
7 probable cause or reasonable suspicion;

8 (E) Whether contraband was found, the type and approximate amount of contraband,
9 and whether contraband was seized;

10 (F) Whether any arrest, citation, or any oral or written warning was issued as a result
11 of the stop;

12 (G) Whether the officer making the stop encountered any physical resistance, whether
13 the officer engaged in the use of force, and whether injuries resulted; and

14 (H) Whether the circumstances surrounding the stop were the subject of any
15 investigation and the results of that investigation.

16 (3) Law enforcement agencies and the Attorney General may review the data required
17 to be collected under paragraph (4) of this Code section to determine whether members
18 of minority groups are disproportionately stopped, searched, warned, or arrested and may
19 take appropriate remedial action.

20 (4) Nothing in this Code section shall be construed to alter the requirements for
21 determining probable cause or reasonable suspicion under the Constitution of the United
22 States or the Constitution of the State of Georgia."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.